

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ELIZABETH PAYNE	§	
	§	
VS.	§	NO. 3:09-CV-00595-B
	§	
FRIENDSHIP WEST	§	
BAPTIST CHURCH	§	

DESIGNATION OF EXPERT WITNESS

COMES NOW, FRIENDSHIP WEST BAPTIST CHURCH, Defendant in the above-entitled cause, and files the following Designation of Expert Witness:

1.

Defendant designates as an expert witness R. Lance Fogarty, testifying expert and founder of Protegga, a computer forensics company. Mr. Fogarty can be reached at 214.988.9240 (office), or at protegga.com.

Mr. Protegga's resume or C.V. is attached to this designation and incorporated herein for all purposes.

Mr. Protegga may be expected to testify on such subjects as how one can retrieve e-mails from a computer hard drive, the presence or absence of any evidence of e-mails on a computer's hard drive, and whether any attempt was made to erase previously-existing e-mails from a computer hard drive.

Mr. Protegga may be expected to testify from his examination of the Friendship West Baptist Church computer used by Plaintiff Elizabeth Payne, and whether any e-mails could be retrieved from the hard drive, whether there were or were not any e-mails recorded

on the hard drive and whether any measures were taken to attempt to erase e-mail traffic from this computer.

Respectfully submitted,

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/s/ John D. Nation

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Counsel for Defendants

CERTIFICATE OF SERVICE

I have served a true copy of this designation to Hon. Susan Hutchinson, Foreman, Lewis & Hutchinson, 611 S. Main Street, Westwood Centre, Suite 700, Grapevine, Texas 76051, by the ECF system, on this 28th day of January, 2010.

/s/ *John D. Nation*
John D. Nation